

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Education to which was referred Senate Bill No. 114
3 entitled “An act relating to improving prekindergarten through grade 12
4 literacy within the State” respectfully reports that it has considered the same
5 and recommends that the bill be amended by striking out all after the enacting
6 clause and inserting in lieu thereof the following:

7 * * * Purpose * * *

8 Sec. 1. PURPOSE

9 (a) The purpose of this act is to continue the ongoing work to improve
10 literacy for all students in the State while recognizing that achieving this goal
11 will require a multiyear and multidimensional effort requiring continued focus
12 by the General Assembly, the Administration, and school leaders.

13 (b) The State has been awarded Elementary and Secondary School
14 Emergency Relief (ESSER) funding under the American Rescue Plan Act of
15 2021 Section 2001(f) to carry out, directly or through grants or contracts,
16 activities to address learning loss by supporting the implementation of
17 evidence-based interventions, such as summer learning or summer enrichment
18 programs, extended day programs, comprehensive afterschool programs, or
19 extended school year programs, and ensure that such interventions respond to
20 students’ academic, social, and emotional needs and address the
21 disproportionate impact of the coronavirus on at-risk student populations,

1 students experiencing homelessness, and children and youths in foster care,
2 including by providing additional support to local educational agencies to fully
3 address such impacts.

4 (c) The purpose of the technical support for supervisory unions under
5 Sec. 3 of this act and the contractor support for the Agency of Education under
6 Sec. 4 of this act is to carry out activities to address learning loss and improve
7 literacy outcomes.

8 * * * Findings * * *

9 Sec. 2. FINDINGS

10 (a) Addressing literacy outcomes is a key strategy for the successful
11 implementation of 2018 Acts and Resolves No. 173. The following findings
12 from the report entitled “Expanding and Strengthening Best-Practice Supports
13 for Students who Struggle” issued by the District Management Group in
14 November 2017, which informed the development of Act 173, support the
15 urgency to improve Vermont’s literacy outcomes relative to special education
16 reform:

17 (1) “Investing in the effectiveness of core reading instruction is critical
18 for students in general education and students with disabilities.”

19 (2) “Students with mild-to-moderate disabilities who struggle with
20 reading may not be supported by teachers skilled in the teaching of reading.”

1 (3) “While some special education teachers across the supervisory
2 unions had a strong background in the teaching of reading, others indicated
3 that they did not have the training or background to be effective supporting
4 students struggling in reading.”

5 (b) The following data indicate Vermont needs to improve its literacy
6 outcomes at the early grades:

7 (1) Smarter Balanced Assessment Consortium results from 2016 to 2018
8 indicate that only about 50 percent of students in grade three were proficient in
9 English Language Arts in each of these years.

10 (2) From 2015 to 2019, Vermont’s average scale in grade four reading
11 on the National Assessment of Educational Progress dropped every year from a
12 high of 230 to a low score of 222.

13 (c) The COVID-19 emergency has adversely affected student academic and
14 developmental progress. Failure to address literacy outcomes now could
15 significantly impact student development for many years to come, since
16 literacy is foundational to the success of each student.

17 (d) The General Assembly recognizes that improving literacy outcomes is a
18 significant challenge for school systems and their constituencies, and that they
19 will require time and assistance in making necessary changes.

1 * * * Assistance to Support Improved Literacy Outcomes * * *

2 Sec. 3. ASSISTANCE TO SUPPORT IMPROVED LITERACY
3 OUTCOMES

4 (a) In recognition that literacy proficiency is a foundational learning skill,
5 the technical support provided in this section is designed to assist supervisory
6 unions improve literacy outcomes as part of their implementation of 2018 Acts
7 and Resolves No. 173.

8 (b)(1) The Agency of Education shall use the funding under Sec. 4(b) of
9 this act to:

10 (A) provide professional development learning modules for teachers
11 in methods of teaching literacy in the five key areas of literacy instruction as
12 identified by the National Reading Panel, which are phonics, phonemic
13 awareness, vocabulary, fluency, and reading comprehension; and

14 (B) assist supervisory unions in implementing evidence-based
15 systems-wide literacy approaches that address learning loss due to the COVID-
16 19 pandemic.

17 (2) The Agency of Education shall, in accordance with the assurances
18 required to be given by the Secretary of Education to the U.S. Department of
19 Education under the American Rescue Plan Act of 2021, direct this funding to:

20 (A) address learning loss through the implementation of evidence-
21 based interventions that respond to students' academic, social, and emotional

1 needs and address the disproportionate impact of COVID-19 on student groups
2 most impacted by the pandemic and for whom the pandemic exacerbated pre-
3 existing inequities; and

4 (B) school districts that need additional support as evidenced by their
5 needs assessment priorities in their COVID-19 recovery plans.

6 (c) The Agency of Education shall use the funding under Sec. 4(a) of this
7 act to retain one or more contractors to provide the following technical
8 assistance to supervisory unions:

9 (1) recommend how federal funds can be used to implement 2018 Acts
10 and Resolves No. 173 in the context of improving literacy outcomes;

11 (2) recommend evidence-based best practices in teaching literacy
12 instruction to students in prekindergarten through grade 3;

13 (3) recommend how to provide professional development for teachers
14 and school leaders in methods of teaching literacy; and

15 (4) recommend policies, procedures, and other methods to ensure that
16 improvements in literacy outcomes are sustained.

17 * * * Agency of Education; Literacy Staffing; Appropriations * * *

18 Sec. 4. AGENCY OF EDUCATION; CONTRACTOR; APPROPRIATIONS

19 (a) There is appropriated to the Agency of Education from the American
20 Rescue Plan Act of 2021 pursuant to Section 2001(f)(4), Pub. L. No. 117-2 in
21 fiscal year 2022 the amount of \$450,000.00 for the costs of the contractor or

1 contractors under Sec. 3 of this act for fiscal years 2022, 2023, and 2024. The
2 Agency may shift the use of this funding from the contractor or contractors to a
3 limited service position that would expire at the end of fiscal year 2024 within
4 the Agency focused on coordinating the Statewide literacy efforts.

5 (b) The sum of \$3,060,000.00 is appropriated from the American Rescue
6 Plan Act of 2021 pursuant to Section 2001(f)(1), Pub. L. No. 117-2 to the
7 Agency of Education in fiscal year 2022 for providing professional
8 development learning modules for teachers in methods of teaching literacy and
9 assisting supervisory unions in implementing evidence-based systems-wide
10 literacy approaches that address learning loss for fiscal years 2022, 2023, and
11 2024. The Agency of Education may set aside not more than two percent of
12 the funds appropriated under this subsection to cover the costs of retaining and
13 overseeing the work of the contractor.

14 * * * Advisory Council on Literacy * * *

15 Sec. 5. 16 V.S.A. § 2903a is added to read:

16 § 2903a. ADVISORY COUNCIL ON LITERACY

17 (a) Creation. There is created the Advisory Council on Literacy. The
18 Council shall advise the Agency of Education, the State Board of Education,
19 and the General Assembly on how to improve proficiency outcomes in literacy

1 for students in prekindergarten through grade 12 and how to sustain those
2 outcomes.

3 (b) Membership. The Council shall be composed of the following
4 16 members:

5 (1) eight members who shall serve as ex officio members:

6 (A) the Secretary of Education or designee;

7 (B) a member of the Standards Board for Professional Educators who
8 is knowledgeable in licensing requirements for teaching literacy, appointed by
9 the Standards Board;

10 (C) the Executive Director of the Vermont Superintendents
11 Association or designee;

12 (D) the Executive Director of the Vermont School Boards
13 Association or designee;

14 (E) the Executive Director of the Vermont Council of Special
15 Education Administrators or designee;

16 (F) the Executive Director of the Vermont Principals' Association or
17 designee;

18 (G) the Executive Director of the Vermont Independent Schools
19 Association or designee; and

20 (H) the Executive Director of the Vermont-National Education
21 Association or designee; and

1 (2) eight members who shall serve two-year terms:

2 (A) a representative appointed by the Vermont Curriculum Leaders
3 Association;

4 (B) three teachers appointed by the Vermont-National Education
5 Association who teach literacy, one of whom shall be a special education
6 literacy teacher and two of whom shall teach literacy to students in
7 prekindergarten through grade three;

8 (C) three community members who have struggled with literacy
9 proficiency or supported others who have struggled with literacy proficiency,
10 one of whom shall be a high school student, appointed by the Agency of
11 Education in consultation with the Vermont Family Network; and

12 (D) one member appointed by the Agency of Education who has
13 expertise in working with students with dyslexia.

14 (c) Members with two-year terms.

15 (1) A member with a term limit shall serve a term of two years and until
16 a successor is appointed. A term shall begin on January 1 of the year of
17 appointment and run through December 31 of the last year of the term. Terms
18 of these members shall be staggered so that not all terms expire at the same
19 time.

1 (2) A vacancy created before the expiration of a term shall be filled in
2 the same manner as the original appointment for the unexpired portion of the
3 term.

4 (3) A member with a term limit shall not serve more than two
5 consecutive terms. A member appointed to fill a vacancy created before the
6 expiration of a term shall not be deemed to have served a term for the purpose
7 of this subdivision.

8 (d) Powers and duties. The Council shall advise the Agency of Education,
9 the State Board of Education, and the General Assembly on how to improve
10 proficiency outcomes in literacy for students in prekindergarten through grade
11 12 and how to sustain those outcomes and shall:

12 (1) advise the Agency of Education on how to:

13 (A) update section 2903 of this title;

14 (B) implement the statewide literacy plan required by section 2903 of
15 this title and whether, based on its implementation, changes should be made to
16 the plan; and

17 (C) maintain the statewide literacy plan;

18 (2) advise the Agency of Education on what services the Agency should
19 provide to school districts to support implementation of the plan and on
20 staffing levels and resources needed at the Agency to support the statewide
21 effort to improve literacy;

1 (3) develop a plan for collecting literacy-related data that informs:

2 (A) literacy instructional practices;

3 (B) teacher professional development in the field of literacy;

4 (C) what proficiencies and other skills should be measured through
5 literacy assessments and how those literacy assessments are incorporated into
6 local assessment plans; and

7 (D) how to identify school progress in achieving literacy outcomes,
8 including closing literacy gaps for students from historically underserved
9 populations;

10 (4) recommend best practices for Tier 1, Tier 2, and Tier 3 literacy
11 instruction within the multitiered system of supports required under section
12 2902 of this title to best improve and sustain literacy proficiency; and

13 (5) review literacy assessments and outcomes and provide ongoing
14 advice as to how to continuously improve those outcomes and sustain that
15 improvement.

16 (e) Report. Notwithstanding 2 V.S.A. § 20(d), annually on or before
17 December 15, the Council shall submit a written report to the House and
18 Senate Committees on Education with its findings, any recommendations for
19 legislative action, and progress toward outcomes identified in this section. The
20 report shall contain an executive summary, which shall not exceed two pages.

1 (f) Meetings.

2 (1) The Secretary of Education shall call the first meeting of the Council
3 to occur on or before August 1, 2021.

4 (2) The Council shall select a chair from among its members.

5 (3) A majority of the membership shall constitute a quorum.

6 (4) The Council shall meet not more than eight times per year.

7 (g) Assistance. The Council shall have the administrative, technical, and
8 legal assistance of the Agency of Education.

9 (h) Compensation and reimbursement. Members of the Council shall be
10 entitled to per diem compensation and reimbursement of expenses as permitted
11 under 32 V.S.A. § 1010 for not more than eight meetings of the Council per
12 year.

13 Sec. 6. APPROPRIATION; ADVISORY COUNCIL ON LITERACY

14 The sum of \$24,000.00 is appropriated from the American Rescue Plan Act
15 of 2021 pursuant to Section 2001(f)(4), Pub. L. No. 117-2 in fiscal year 2022
16 to the Agency of Education for per diem and reimbursement of expenses for
17 members of the Advisory Council on Literacy created under Sec. 5 of this act
18 for fiscal years 2022, 2023, and 2024.

1 Sec. 7. REPEAL; ADVISORY COUNCIL ON LITERACY

2 16 V.S.A. § 2903a (Advisory Council on Literacy) as added by this act is
3 repealed on June 30, 2024.

4 Sec. 8. IMPLEMENTATION OF THE ADVISORY COUNCIL ON
5 LITERACY

6 (a) The Advisory Council on Literacy, created in Sec. 5 of this act, is
7 established on August 1, 2021.

8 (b) Members of the Council shall be appointed on or before August 1, 2021
9 and, for members with a term limit, their service on the Council from the date
10 of appointment through December 31, 2021 shall not be counted toward their
11 term limit.

12 (c)(1) In order to stagger the terms of the members of the Council, the
13 initial terms of the following members shall be for one year:

14 (A) two of the teachers appointed under subdivision (b)(2)(B) of Sec.
15 5 of this act; and

16 (B) two of the community members appointed under subdivision
17 (b)(2)(C) of Sec. 5 of this act.

18 (2) After the expiration of the initial term set forth in subdivision (1) of
19 this subsection, Council member terms shall be as set forth in 16 V.S.A.

20 § 2903a(c) in Sec. 5 of this act.

1 * * * Review of Teacher Preparation Programs * * *

2 Sec. 9. TEACHER PREPARATION PROGRAMS; REVIEW

3 (a) On or before October 1, 2022, the Agency of Education, in
4 collaboration with the Standards Board for Professional Educators, shall
5 review:

6 (1) teacher preparation programs to assess to what extent these programs
7 prepare teacher candidates to use “evidence-based literacy instruction”; and

8 (2) licensing and re-licensing criteria as it pertains to literacy instruction.

9 (b) As used in this section, “evidence-based literacy instruction” means
10 reading, writing, and spelling instruction that is supported by high-quality
11 research that meets rigorous standards and is proven to translate effectively to
12 classroom practices.

13 * * * Agency of Education Reports * * *

14 Sec. 10. AGENCY OF EDUCATION; REPORTS

15 On or before December 15 of each of 2021, 2022, and 2023, the Agency of
16 Education shall report to the General Assembly the statewide progress in

1 achieving the purpose of this act, which is to improve literacy outcomes for all
2 students in the State.

3 * * * Census-based Funding Advisory Group * * *

4 Sec. 11. 2018 Acts and Resolves No. 173, Sec. 9 (Census-based Funding
5 Advisory Group), as amended by 2020 Acts and Resolves No. 112, Sec. 4 is
6 further amended to read:

7 Sec. 9. CENSUS-BASED FUNDING ADVISORY GROUP

8 * * *

9 (e) Meetings.

10 * * *

11 (4) The Advisory Group shall cease to exist on June 30, 2023.

12 (f) Reports. On or before January 15, 2019, the Advisory Group shall
13 submit a written report to the House and Senate Committees on Education and
14 the State Board of Education with its findings and recommendations on the
15 development of proposed rules to implement this act and any recommendations
16 for legislation. On or before January 15 of 2020, 2021, ~~and 2022,~~ and 2023,
17 the Advisory Group shall submit a supplemental written report to the House
18 and Senate Committees on Education and the State Board of Education with a
19 status of implementation under this act and any recommendations for
20 legislation.

1 (g) Reimbursement. Members of the Advisory Group who are not
2 employees of the State of Vermont and who are not otherwise compensated or
3 reimbursed for their attendance shall be entitled to per diem compensation and
4 reimbursement of expenses as permitted under 32 V.S.A. § 1010 for not more
5 than eight meetings per year in fiscal years 2019 and 2020 and not more than
6 12 meetings per year in each of fiscal years 2021, 2022, and 2023.

7 (h) Appropriation. The sum of \$5,376.00 is appropriated for fiscal year
8 2018 from the General Fund to the Agency of Education to provide funding for
9 per diem compensation and reimbursement under subsection (g) of this section.
10 The sum of \$9,018.00 is appropriated for fiscal year 2021 from the General
11 Fund to the Agency of Education to provide funding for per diem
12 compensation and reimbursement under subsection (g) of this section. ~~The~~
13 ~~Agency shall include in its budget request to the General Assembly for each of~~
14 ~~fiscal years 2022 and 2023 the amount of \$9,018.00 to provide funding for per~~
15 ~~diem compensation and reimbursement under subsection (g) of this section.~~

16 * * * Effective Date * * *

17 Sec. 12. EFFECTIVE DATE

18 This act shall take effect on passage.

1 (Committee vote: _____)

2

3

Representative _____

4

FOR THE COMMITTEE